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**Not for service*

March 5, 2025

VIA ECF

Honorable Taryn A. Merkl
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Korey Watson v. The City of New York et al., 23-CV-08975 (LDH)(TAM)

Your Honor:

I am co-counsel for Plaintiff Korey Watson in the above-referenced matter. I write jointly with counsel for Defendants in compliance with the Court's January 22, 2025 Order to provide a status report "indicating their progress as to discovery, settlement negotiations, and whether the parties are prepared for a referral to the EDNY Mediation Program, or a settlement conference before the Court." See January 22, 2025 Status Report Order.

Plaintiff's position: On Plaintiff's view, there has not been progress as to discovery or settlement negotiations since the parties' January 21, 2025 Status Report (ECF 35).

With respect to discovery, as the Court will remember, Defendants have been investigating whether surveillance video from the location of and area around the incident, and any recordings of relevant radio communications, were created, and if so, whether they exist, or were destroyed. On March 4, 2025, counsel for the City Defendants provided an update on that front, informing the parties, in substance, that counsel has not yet completed the relevant investigations and has concerns that there may have been a miscommunication. As to the update below, Plaintiff notes that it does not cover either the video/audio from security cameras from the facility where the attack on Plaintiff occurred, or the recordings of relevant police/911 radio communications.

As to settlement, Plaintiff has made a demand on December 18, 2024, and have engaged in subsequent communications.

City Defendants' position: Since Your Honor's January 23, 2025, the undersigned received some limited documents from the New York City Police Department in response to requests that were submitted. These documents, largely comprised of NYPD Follow Up Reports (DD5s) from the NYPD's investigation into the underlying incident involving plaintiff will be provided to plaintiff by March 14, 2025. With respect to requests that were made for ARGUS audio/visual materials, we have since learned that no such recordings exist and will provide documentation to Plaintiff by March 14, 2025.

In addition, the undersigned is currently preparing for trial in the matter of *Banyan v. Sikorski*, 17-CV-4942 (JLR). Currently pretrial submissions in Banyan are due today and trial is scheduled to begin before Judge Rochon on April 7, 2025.

Regarding settlement, plaintiff has indeed provided defendants with a demand and the parties have exchanged subsequent communications. Should the court seek more information about the settlement discussions, the parties respectfully and jointly request a pre-settlement telephonic conference to maintain appropriate confidentiality.

FJC Defendants' position: FJC is not in possession of any video depicting the subject events and their employees were not equipped with individual cameras. FJC does not believe that any party is currently seeking any paper or material discovery from FJC. FJC is prepared to engage in settlement discussions once the other parties are in a position to do so.

The parties thank Your Honor for the Court's attention to this matter.

Respectfully submitted,

/S/

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